Supreme Court, U.S.
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No. 87-176

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1987

Thomas White, Hardy Burnett, Franklin Leonard, Harold Hampton, David Morgan, Alicia Spears, Elizabeth O'Carroll, Reginald Powell, Karl Davis, Hubert Smith, Qaardir Muhammad, Arthur L. Jones, Percy Williams, Bernard Murphy, Tommye Brown, Beverly Pritchett, Clyde Bradley, Philip Morris, Adolphus Bailey, Dwight Woodruff,

Petitioners,

vs.

Richard J. Elrod, Sheriff of Cook County, Phillip T. Hardiman, Dir. Dept. of Corr.

Respondents.

REPLY BRIEF

Pro-se Petitioners
Thomas White et, al.
c/o Philip Morris
148 East 118th St.
Chicago, Il. 60628
(312) 821-7329

15 pp

Questions Presented

1. Whether the selective prosecution of the Black petitioners among 970 Correctional Deputy Sheriffs similarly situated was based on the exercise of first amendment rights of free speech, race or other arbitrary classification.

2. Whether the differences in punishments meted out to the 34 Correctional Deputy Sheriffs for essentially the same charges and findings violated equal protection of the law as stated in the fourteenth amendment.

3. Whether the petitioners were subject to unfair, unreasonable, cruel and unusual punishment in being suspended; or demoted and suspended; or out right discharged because of skin color, in violation of the eighth amendment.

4. Whether the judgement and affirmation by the United States District Court and the United States Court of Appeals were discriminatory against the petitioners because of race.

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ARGUMENT
I

The respondent attorneys show total disrespect for the United States Supreme Court by not giving a clear insight into this matter.

The respondents continue to avoid any discussion as to why Arthur L. Jones, who worked thru the Blu Flu incident, is charged with being a leader in the Blu Flu. This is a clear and undisputable demonstration of arbitrary, unjustified, irrational and inconsistant selection of Black COs for discipline in violation of federal and state equal protection constitution clauses and bad faith. Knowingly and intentionally discriminating against the plaintiffs while arguing in the brief in opposition at their statement of case (pg.2) "... file charges ... against only 34 guards ..."; Hardiman has reduced to writing over his personal signature in his memo to "All (correctional) Person-

nel," ..." ...in fact, thirty-three officers were suspended. The thirty-fourth person is a senior member of the staff ..., and is not included in this number." This fact in,reference to Arthur L. Jones, has been testified to,under oath, by both respondents Elrod and Hardiman along with 90% of the corrections administration staff, and such testimony has been ignored by all desision makers in this matter since the onset. The respondent attorny knows now as well as when the charges were placed that the charges against most of the plaintiffs were in error, incorrect and improper. With this knowledge, the respondent attorneys have knowingly and intentionally prosecuted innocent CCs and continues to do so. As an officer of the court, respondent attorney should advise the respondents of the irregularities and have whatever remedies needed installed. The Judges and Justices, seeing the respondent refusal to refrain from such contemptable behavior, should

have made such corrections. The Judges and Justices have ignored such testimony and written facts and aided in violation of constitutional rights of the plaintiffs on due process, equal rights, curel and unusual punishment, free speech and other fundamental rights. Jones worked; and all decision makers from the Merit Board thru the U.S. Court of Appeals knew Jones worked, and such decision makers have intentionally ruined Jones' career and livelyhood as they have done to the petioners herein named. The orders and decisions made by the United States Supreme Court have been totally disregarded by the Cook County officials and the Illinois Court system of Cook County area, in regards to constitutional rights of the petitioners. It can only be seen as an knowingly and intentionally wreckless display of meanness with a

complete abandonment of fundamental fairness because Jones is a dark skinned Black.

II

The respondents cannot display where any of the plaintiffs did anything any different from any of the over 900 Correctional Deputy Sheriffs who returned to work with no penalty, nor where the plaintiffs did anything differently among themselves which can justify the extremes of the penalties among the plaintiffs. The respondents knew Jones worked; Bailey was critically ill (as proven by respondent attorney Ellen Robinson)which should have exempted Jones and Bailey from being charged. Knowing Jones and Bailey were innocent of participating in the Blu Flu, respondents intentionally charged Jones and Bailey with participating in theBlu Flu. Bradly and Burnett were on prearranged vacations by respondent authority,

and this fact was known by the respondents The respondents knowingly and intentionally charged Jones, Bailey, Bradley and Burnett with Blu Flu activities in violation of the fourteenth amendment of equal protection of the law only because all were Black and the FIX was in.

III

The respondents failed to answer why the punishments varied so greatly among the plaintiffs. Jones, White, Garnett, Maggette, Brown and Morris, all darker skinned Blacks, were fired; Bailey, Smith and Murphy, all medium complexion Blacks, were demoted and suspended six months; Burnett, Leonard, Hampton, Spears, Davis, Muhammad, Williams, Pritchett, Bradley, and Woodruff, lighter complexion Blacks, were only suspended six months; O'Carroll is a white who dared to associate with Blacks, was suspended six months; Morgan and Powell were given derected verdicts

in their favor. Such penalties,known to be overly harsh and extreme,were intentionally inflicted on the plaintiffs to whip the Black Creeps in line; to make an example of plaintiffs; to prevent whites from mixing with Blacks; and that the DARKIES don't mix with the fair skinned Blacks. True APARTHEID without recourse and unmonitored (Pet. App. B pg. 9bb). This is a known and intentional violation of the plaintiffs' rights to equal protection under the fourteenth amendment and cruel and unusual punishment under the eighth amendment.

IV

The United States District Court Judge heard testimony given under oath from the respondents and their assistants that Jones worked; Bailey was critically ill; Burnett and Bradley were on prearranged vacations prior to and during the Blu Flu incident with respon-

dent authority approval; Williams, Bradley and Powell were already working at the time of the Sheriff Amnesty deadline (Pet. App. J pg 64); Powell and Morgan were given directed verdicts in their favor. The District Court Judge knew that these irregularities existed and he so stated in his judgement order (Pet. App. pp. 9-9hh); however, the District Court Judge ignored the rights of the plaintiffs as per the United States Constitution intentionally while intentionally ignoring the sworn testimony of the respondents of the innosence of the plaintiffs involved. The District Court Judge, therefore, felt comfortable in openly admitting in his judgement order (Pet. App. pp. 9-9hh) the irregularities existed but he ruled against the plaintiffs because they were Black and dared to confront white folks. A clear violation of due process.

Respondent attorneys have had more than 90 days to study and prepare a firm Respondent Brief in Opposition, since July 6, 1987 (time of service). The respondents had to have a special request before they chose to supply the United States Supreme Court with any information to clear this matter. Being given that type of consideration, the best the respondents were willing to do was to use over one-half of their pages accusing plaintiff Morris of practicing law without a lisence. The other pages were in statement of the fact that the state court had already decided against the plaintiffs, and that the Supreme Court should not look into why the attempts at APARTHEID are returning to Cook County. We are not so surprised at the respondents and their attorneys display of disregard for the rights of Blacks and the law; but, when they show the United States Supreme Court such cruel

disrespect, it is complete contempt.

Conclucion

Respondents and respondent attorneys have not had to face and respond properly to the facts and issues in this case; therefore, the respondents and the respondent attorneys are unable to respond intelligently now. The FIX was in and the deck was stacked; the Blacks were to be whipped into line; the white deputies would continue to be separated from the Black deputies in duties and salary; noone would bother if a few Blacks had their rights trampled; and Cook County cfficials could get away with it. Respondents are trying to DUCK around the United States Supreme Court by accusing petitioners of lay law practice in a consolidated case pro-se. Respondents are attempting to ignore the fact that petitioner Morris is the

correspondent source for the petitioner group as is Iris E. Sholder is the correspondent source for the Cook County States Attorny office in this matter. Respondent attorney belittles the Supreme Court intellect in attempting to have the Supreme Court in contact with 22 petitioners in a case that the respondents had consolidated in the first instance over the objections of the petitioners. Petitioners can only pray that that the United States Supreme Court Justices will see the Cook County Sheriff attempt to induce APARTHEID into Cook County so openly; see the disregard for the Supreme Court orders and decisions on citizen rights . This contemptable behavior will only increase until it is out of hand if not corrected now. Granting certiorari will place Cook County officials on notice.

Respectfully submitted
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